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09/345,202	06/30/1999	DAVID A. MARTIN	0236.0006	9944

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AKERS, GEOFFREY R

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2164	6

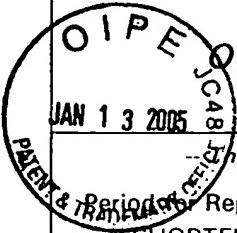
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Please find below and/or attached an Office communication concerning this application or proceeding.

Mailed: 10-6-2001

 <b>Office Action Summary</b> JAN 13 2005	Application No.	Applicant(s)
	09/345202	Martin Alessi, G
	Examiner	Art Unit
		2164

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)  Responsive to communication(s) filed on 6/30/99

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)  Notice of References Cited (PTO-892)

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19)  Notice of Informal Patent Application (PTO-152)

20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

1. Claims 1-23 have been examined.

### *Oath/Declaration*

2. The declaration does not include the notary's signature, and the notary's seal and venue.

Correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4,10-11,13,16-17,19-21 are rejected under 35 USC 103(a) as unpatentable over Royer(US Pat. No: 6,195,452).
5. As per claim 2 Royer teaches an improved negotiable instrument, the negotiable instrument comprising an amount box containing an amount of the negotiable instrument(Fig 1/40) a signature line for providing the identity of a drawer(Fig 1/60) a payee identifier line(Fig 1/30) an amount line(Fig 1/50) a drawee account number and a drawee routing number(Fig 1/80a/80b) and a machine readable code, the machine readable code containing the drawer's account number(Fig 4/600) the drawee's routing number and one or more pieces of information from the group consisting of the following a payee, the amount of the check corresponding to the date the instrument was created, the identity of the drawer, a memo, and a identifier number corresponding

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to the negotiable instrument(Fig 4/500). Royer does not specifically teach one of the above elements but instead teaches fields for a check verity code(col 7 lines 23-45). It would have been obvious to one skilled in the art at the time of the invention to include identity or a memo in the field for identification purposes. The motivation for this is to establish a fraud detection system for checks.

6. As per claim 3 Royer teaches the improved negotiable instrument of claim 2, wherein the improved negotiable instrument is a check(Abstract)(Fig 1).
7. As per claim 4 Royer teaches the improved negotiable instrument of claim 2, wherein the improved negotiable instrument further comprises a date line(Fig 1/70), an identifier number corresponding to the negotiable instrument(Fig 1/80a/80b) and a name and address line of a drawer(Fig 1/15d) and a memo line(Fig 1).
8. As per claim 10, Royer teaches a method for preventing fraud, the method comprising the steps of providing a drawer having an account with a corresponding account number(Fig 1/80B) providing a drawee with a drawee routing number(Fig 1/80A) providing means for creating a negotiable instrument(Abstract) creating at least one negotiable instrument containing at least a payee(Fig 1/30) an amount(Fig 1/40) a date(Fig 1/70), and a drawee's identity(Fig 1/30) providing a machine readable code and attaching the machine readable code on the at least one negotiable instrument, the machine readable code containing the drawer's account number(Fig 4/600) the drawee's routing number(Fig 1/80A) and at least one piece of information selected from the group comprising, the payee, the amount, the date, the identity of the drawer, a memo, and a identifier

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number corresponding to the at least one negotiable instrument(Fig 4/500). Royer does not specifically teach one of the above elements but instead teaches fields for a check verify code(col 7 lines 23-45). It would have been obvious to one skilled in the art at the time of the invention to include identity or a memo in the field for identification purposes. The motivation for this is to establish a fraud detection system for checks.

9. As per claim 11 Royer teaches the method of claim 10, wherein the method further comprises the steps of the drawee receiving the at least one negotiable instrument and scanning the machine readable code(Fig 4).

10. As per claim 13 Royer teaches the method of claim 10, wherein after creating at least one negotiable instrument containing information, the information containing at least, a payee(Fig 1/30) an amount,(Fig 1/40) a date(Fig 1/70) and a drawee's identity(Fig 1/80a/80b) the method comprises the steps of transferring the information to the drawee and entering the information into a drawee database(col 3 lines 62-col 4 line 11)(col 3 lines 28-32).

11. As per claim 16 Royer teaches a device for protecting against fraud, the device for use with a drawer's account and a drawee having a routing number the device comprising: means for entering data; means for creating a negotiable instrument containing at least, a payee(Fig 1/30) an amount(Fig 1/50) a date(Fig 1/70) and a drawer's identity(Fig 1/28/60) and means for creating a machine readable code(Fig 4) the machine readable code containing the drawer's account number, (Fig 4/600)the drawee's routing number and at least one piece of information selected from the group comprising, the payee, the amount, the date, the identity of the drawer, a memo, and a

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identifier number corresponding to the at least one negotiable instrument(Fig 4/500). Royer does not specifically teach one of the above elements but instead teaches fields for a check verity code(col 7 lines 23-45). It would have been obvious to one skilled in the art at the time of the invention to include identity or a memo in the field for identification purposes. The motivation for this is to establish a fraud detection system for checks.

12. As per claim 17 Royer teaches the device of claim 16, wherein the device further comprises means for scanning the machine readable code(Fig 4/400).

13. As per claim 19 Royer teaches the device of claim 17, wherein the device further comprises: means for scanning the information on the negotiable instrument and means for comparing the information from the machine readable code to the information on the negotiable instrument(Fig 4/400).

14. As per claim 20 Royer teaches a method for integrating the creation and processing of negotiable instruments, the method comprising the steps of providing a drawer having an account with a corresponding account number(Fig 1/80B) providing a drawee with a drawee routing number(Fig 1/80A) creating at least one negotiable instrument containing information that contains at least, a payee(Fig 1/50) an amount(Fig 1/40) a date(Fig 1/70) and a drawee's identity(Fig 1/60) providing a machine readable code and attaching the machine readable code on the at least one negotiable instrument(Fig 4/90a-90j) the machine readable code containing the drawer's account number(Fig 1/80A/80B), the drawee's routing number and at least one piece of information selected from the group comprising, the payee, the amount me date, the identity of

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the drawer, a memo, and a identifier number corresponding to the at least one negotiable instrument(Fig 4/500). Royer does not specifically teach one of the above elements but instead teaches fields for a check verity code(col 7 lines 23-45). It would have been obvious to one skilled in the art at the time of the invention to include identity or a memo in the field for identification purposes. The motivation for this is to establish a fraud detection system for checks.

15. As per claim 21 Royer teaches the method of claim 20, wherein creating at least one negotiable instrument containing information that contains at least, a payee(Fig 1/30) an amount, (Fig 1/40) a date(Fig 1/70) and a drawee's identity(Fig 1/30), further comprises the step of transferring the information to the drawee bank(Fig 4/900).

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16. Claim 1 is rejected under 35 USC 103(a) as unpatentable over Carney(US Pat. No: 6,181,814) in view of Storch(US Pat. No: 5,367,148).

17. As per claim 1, Carney teaches a method for preventing check fraud, the method comprising the steps of providing a bank with a bank routing number and providing a customer having an account with the bank and a corresponding account number(col 2 lines 55-58) having the customer electronically create a check containing at least, a payee, an amount, a date, a customer name, and a check number(col 2 line 59-col 3 line 5). Storch teaches attaching a bar code on the check(document)(Abstract) using electronic placement means wherein the bar code contains the customer's account number, the bank's routing number and at least one piece of information selected from the group consisting of, the payee, the amount, the date, the customer's name, and

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the check number(Abstract)(col 4 lines 25-60). Carney teaches delivering the check to the bank; scanning the bar code; and, paying the check only if the information printed on the check is identical to the at least one piece of information on the bar code(col 4 lines 5-38). It would have been obvious to one skilled in the art at the time of the invention to combine Carney in view of Storch to teach the above and to include an account number in the appended field of the bar code taught by Storch. The motivation to combine is to teach a system for fraud detection for checks(col 4 lines 14-22).

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18. Claim 6 is rejected under 35 USC 103(a) as unpatentable over Carney(US Pat.No: 6,181,814).

19. As per claim 6 Carney teaches a method for preventing fraud, the method comprising the a drawee(Abstract)(Fig 1) providing a drawer having an account with the drawee and a corresponding account number(Fig 1) and delivering to the drawee at least one negotiable instrument drawn to the drawer's account(Fig 1). Carney fails to teach putting the at least one negotiable instrument into an electronic format to be viewed on the Internet and viewing the at least one negotiable instrument on the Internet and having the drawer advise the drawee which of the at least one negotiable instruments to pay. It would have been obvious to one skilled in the art at the time of the invention to apply the methods of Carney to the Internet. The motivation for this is to extend the applicability of these techniques to the largest possible market.

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20. Claims 5 and 18 are rejected under 35 USC 103(a) as unpatentable over Royer(US Pat. No: 6,195,452) and further in view of Storch(US Pat. No: 5, 367,148).

21. As per claim 5 Storch teaches the improved negotiable instrument of claim 4, wherein the machine-readable code is a bar code(Fig 1)(Fig 2)(Fig 3)(Fig 4).It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Storch to teach the above. The motivation to combine is to teach a check fraud detection system as enunciated by Storch(col 4 lines 14-22).

22. As per claim 18 Storch teaches the device of claim 17, wherein the machine readable code is a bar code(Fig 1)(Fig 2)(Fig 3)(Fig 4).It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Storch to teach the above. The motivation for this is to teach a security system against fraud for checks as enunciated by Storch(col 4 lines 14-22).

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23. Claims 7-9,12,14-15,22-23 are rejectwed under 35 USC 103(a) as unpatentable ovber Carney(US Pat. No: 6,181,814) in view of Royer(US Pat. No: 6,195,452).

24. As per claim 7 Royer teaches the method of claim 6, wherein putting the at least one negotiable instrument into an electronic format to be viewed on the Internet comprises the steps of: entering the information from the negotiable instrument into an electronic database(col 4 lines 34-37)(col 5 lines 23-32) and linking the electronic database with the drawer's account(col 5 lines 66-col 6 line 20). Royer fails to teach transferring information from the electronic database to the

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Internet. It would have been obvious to one skilled in the art at the time of the invention to combine Carney in view of Royer to teach the above and to apply this methodology to the internet as an automation of existing technology. The motivation for this is to teach an improved check authentication process as enunciated by Royer(col 1 lines 42-46).

25. As per claim 8 Royer teaches the method of claim 6, wherein viewing the at least one negotiable instrument on the Internet comprises the steps of determining if any of the at least one negotiable instruments were created by the drawer(col 3 lines 19-36) and electronically marking any of the at least one negotiable instrument that were created by the drawer(col 3 lines 37-61).

Royer fails to teach specifically viewing the instrument on the Internet. Royer fails to teach transferring information from the electronic database to the Internet. It would have been obvious to one skilled in the art at the time of the invention to combine Carney in view of Royer to teach the above and to apply this methodology to the internet as an automation of existing technology.

The motivation for this is to teach an improved check authentication process as enunciated by Royer(col 1 lines 42-46).

26. As per claim 9 Carney teaches the method of claim 8, wherein the method further comprises the step of paying the at least one negotiable instrument that the drawer has advised the drawee to pay(col 2 lines 49-col 3 line 2). It would have been obvious to one skilled in the art at the time of the invention to combine Carney in view of Royer to teach the above. The motivation for this is to teach an improved check authentication process as enunciated by Royer(col 1 lines 42-46).

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27. As per claim 12, Carney teaches the method of claim 11, wherein the method further comprises the steps of the drawee of determining whether information printed on the at least one negotiable instrument is identical to the at least one piece of information on the machine readable code; and, paying the negotiable instrument only if the information on the machine readable code is identical to the at least one piece of information on the at least one negotiable instrument(col 2 line 49-col 3 line 2). It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Carney to teach the above. The motivation to combine is to teach a check fraud detection system as enunciated by Carney(col 3 lines 19-21).

28. As per claim 14, Carney teaches the method of claim 13, wherein after scanning the machine readable code, the method comprises the step of automatically comparing the information on the at least one negotiable instrument to the information in the drawee database(col 4 line 66-col 5 line 65)(col 4 lines 16-24).It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Carney to teach the above. The motivation to combine is to teach a check fraud detection system as enunciated by Carney(col 3 lines 19-21).

29. As per claim 15 Royer teaches the method of claim 12, wherein determining whether information printed on the at least one negotiable instrument is identical to the at least one piece of information on the machine readable code comprises the step of notifying the drawer if the information printed on the at least one negotiable instrument is not identical to the at least one piece of information on the machine readable code(Fig 4)(col 9 lines 30-52).It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Carney

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to teach the above. The motivation to combine is to teach a check fraud detection system as enunciated by Carney(col 3 lines 19-21).

30. As per claim 22 Royer teaches the method of claim 21, wherein the method further comprises the steps of providing a payee(Fig 1/30) and providing a payee bank; presenting the at least one negotiable instrument to the payee(Fig 4) having the payee scan the machine readable code(Fig 4/400) having the payee electronically transfer the drawer's account number, the drawee's routing number(Fig 1/80A/80B) and the at least one piece of information to the payee bank(Fig 1/90a-90j) and having the payee bank electronically transfer the drawer's account number and the drawee's routing number(Fig 1/80A/80B). Carney teaches information to the drawee bank; having the drawee bank determine whether the drawer's account number(Fig 1/40) the drawee's routing number, and the at least one piece of information supplied by the payee bank are identical to the information transferred to the drawee bank(col 4 lines 50-63) and, having the drawee bank pay the at least one negotiable instrument only if the drawer's account number, the drawee's routing number, and the at least one piece of information supplied by the payee bank are identical to the information transferred to the drawee bank(col 7 lines 10-65). It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Carney to teach the above. The motivation is to prevent check fraud as enunciated by Carney(col 2 lines 32-42).

31. As per claim 23 Royer teaches the method of claim 22, wherein the method further comprises the steps of providing an integrated system, wherein the drawee and the drawer's creation of the at least one negotiable instrument are linked(col 2 lines 20-63) whereby when the at least one

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negotiable instrument is created(Fig. 1), the information is stored in a drawee database and providing means for the drawer to view the drawer's account(Fig 1/80A/80B). Royer teaches accepting or rejecting checks based on validity(Fig 4/900). It would have been obvious to one skilled in the art at the time of the invention to combine Royer in view of Carney to teach the above and to have the drawee bank automatically update the drawer's account to reflect payment of the at least one negotiable instrument thereby creating an up to date amount in the drawer's account upon acceptance of the check as taught by Royer(Fig 4/900). The motivation for this is to keep a current accurate account balance for customers.

### *Conclusion*

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Chapman teaches a counterfeit document detection system

-Sandru teaches an apparatus for enhancing security of negotiable documents

-Greene teaches negotiable instrument fraud detector

33. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at (703)-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or

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relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA



December 1, 2001